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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
WATSON, CHARLES A

ART UNIT	PAPER NUMBER
4117	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/711,549	KUMER, GOPESH
	Examiner	Art Unit	
	Charles A. Watson	4117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Objection

1. Claims 6 and 8 lack antecedent basis for "said pop-up window." Claim 9 lacks antecedent basis for "the system." Claims 13 and 15 lack antecedent basis for "the agent account" and the "agent ID". Appropriate corrections are required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-2, 5, 9 - 15, 17 and 19** are rejected under 35 U.S.C 102(e) as being unpatentable under Lurie et al. (US 7,289,612 B2), hereinafter referenced as Lurie.

Regarding **claim 1**, Lurie teaches a method of connecting two parties in real time (see col.7; line 57-61), the method comprising;

having an Agent have a plurality of service providers (see Fig. 5);

having a User initiate contact with a Service Provider (see Fig.11); and

connecting said User with said Service Provider if available (see col. 7;

line 57 – 61).

Regarding **claim 2**, Lurie teaches a method of generating a pop-up

window with information about said Service Provider (see Fig. 4);

checking to see if the Service Provider is available (see col. 8; line 3 – 10).

Regarding **claim 5**, Lurie teaches a method of allowing the Service

Provider to enter their hours of availability (see col. 6; line 54- 58).

Regarding **claim 9**, Lurie teaches a method of having the system manage

the transaction records for said Agent's Service Providers (see col. 10; line 15-

17).

Regarding **claim 10**, Lurie teaches a method of reporting said transaction

records (see col. 10; line 15-17).

Regarding **claim 11**, Lurie teaches a method of calculating the amount

due to the Service Provider based on the Service Provider's transactions (see

col.10; line 18 – 20).

Regarding **claim 12**, Lurie teaches a method of paying the Service

Provider and the Agent the amount due based on the transactions (see col. 10;

line 22-33).

Regarding **claim 13**, Lurie teaches assigning a service provider ID name

to the service provider account (see Fig. 3 & 4 & col. 6; line 44 - 46).

Regarding **claim 14**, Lurie teaches a method of distributing the

appropriate service HTML code to the Agent for each newly registered Service

Provider (see Fig. 3 & Fig. 4).

Regarding **claim 15**, Lurie teaches a method of connecting two parties in

real time (see col.7; line 57-61), the method comprising

assigning an service provider account to the service provider account (see

Fig. 3 & 4 & col. 6; line 44 - 46);

having an expert Service Provider enter the service provider's name when

registering as a new Advisor (see col. 6; line 44 – 47);

linking all Service Providers under a single website (KEEN) into one

account information and transaction activity management interface (See Fig. 2A);

distributing the appropriate service HTML code to the Agent for each

newly registered Service Provider thereby (See Fig. 3 & 4);

enabling the Agent to readily create own Internet-based collection of

specialized Service Provider and in turn (see Fig. 5), and

connecting Users with these Service Providers for expert advice in real

time via a telephone connection (see Fig. 10 & col. 7; line 58 – 61).

Regarding **claim 16**, Lurie teaches a method of displaying a window with

full list of an Agent's Service Provider's and their individual availability statuses

(see Fig. 5).

Regarding **claim 17**, Lurie teaches a method of monitoring how long

telephonic connections are maintained between the Users and the Service

Providers (see Fig. 10); and

deducting from Users' consumer accounts the amounts based upon how

long the telephonic connections are maintained (see col. 10; line 22- 25).

Regarding **claim 19**, Lurie teaches a method of giving an Agent the option

of self-managed payroll responsibility (see col. 10; line 14-15) or, a managed

payout consisting of, deducting a pre-determined Agent service fee for each

transaction and distributing the Agent to fee said Agents (See Fig.10 & col. 10;

line 29-32).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another
> filed in the United States before the invention thereof by the applicant for patent, or on an
> international application by another who has fulfilled the requirements of paragraphs (1), (2),
> and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

5.   **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Lurie, in view of Jolissant et al. (US 6,463,149), hereinafter referenced as

Jolissant.

Regarding **claim 3**, Lurie does not teach a method of having a window prompting the User to enter their phone number to make said connection.

However, Jolissant teaches a method of having said pop-up window prompting said User to enter their phone number to make said connection (see Col 6; line 52-55 & Fig. 3B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Jolissant. One of ordinary skill would be motivated to combine these teachings with the teachings of Jolissant because Jolissant teaches that the electronic workforce (5) electronically asks for the customer to provide identification such as an identification (ID) number and a telephone number.

6.   **Claims 4, 6 – 8, 18 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie, in view of in view of Joyce et al. (US 2005/0086290 A1), hereinafter referenced as Joyce.

Regarding **claim 4**, Lurie does not teach a method in which a message will be generated when the Service Provider is not available.

However Joyce teaches a method of generating a message for when the Service Provider is not available (See paragraph 0055 & Fig.15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Joyce. One of ordinary skill would be motivated to combine these teachings because Joyce teaches that user interface includes status of online or interrupt statuses

indicating the instant message user is present and interruptible or non-interrupt status, indicating the instant message user may not be interrupted because the user is not available.

Regarding **claim 6**, Lurie teaches a method of allowing the Service Provider to enter their hours of availability (see col. 6; line 54- 58 and Fig. 6).

It is inherit that if the service providers able to manually write in their description box the services they offer that they would also be able to write the schedule in which they are available, so any potential users can view it.

Regarding **claim 7**, Lurie teaches denying the connection when the user tried to start a connection during the hours that the service provider is schedule not to be available (see Fig. 5). According to Fig. 5, in the location that typically says "Call Now", if the service provider is not available, that icon is replaced with "Mail Now" preventing or denying the user from making a connection with the service provider.

Regarding **claim 8**, Lurie does not teach displaying a window detailing that the Service Provider is currently busy on another call.

Joyce teaches a method of displaying in a window that the Service Provider is currently busy on another call (see paragraph 0055 and Fig. 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Joyce. One of ordinary skill would be motivated to combine these teachings because Joyce teaches that the user interface indicates that the instant message user is present but in a non-interrupt status indicating that the instant message user is busy or on the phone.

Regarding **claim 18**, Lurie does not teach a method in which allowing for the Users to remain in effect on the website of the Agent while navigating and using the system for connecting telephonically to Service Providers, by way of a series of progressive popup windows

Joyce teaches a method of allowing for the Users (customer) to remain in effect on the website of the Agent while navigating and using the system for connecting telephonically to Service Providers (paragraph 0026), by way of a series of progressive popup windows (218, 240) (see Fig. 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Joyce. One of ordinary skill would be motivated to combine these teachings because Joyce teaches that the customer client machine and customer telephone may utilize the customer telephone or services available through the customer client machine (e.g., email, web, instant messaging, etc.) to connect to and interact with an expert.

Regarding **claim 20**, Lurie teaches a method where having recognition, across the entire database of Service Provider's telephone numbers (see col. 6;

line 64-65), enabling a Service Provider to register and be part of numerous different Agent groups, without concern for any potential telephone connection conflict (see Col.11; line 30-32).

However, Lurie does not teach of whether a particular Service Provider's telephone line is busy.

Joyce teaches a method to determine if a particular service provider's telephone line is busy (see paragraph 0055).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Joyce. One of ordinary skill would be motivated to combine these teachings because Joyce teaches to update the status is set by an instant message user which indicates whether the instant message user is present and interruptible (e.g., Busy, On the phone, etc.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Watson whose telephone number is (571)270-3633. The examiner can normally be reached on Mon-Thurs 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Watson
Patent Examiner   /Prieto B./
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